

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: September 15, 2004

Division: Growth Management

Bulk Item: Yes X No

Department: Planning

AGENDA ITEM WORDING: Approval for one Restrictive Covenant from J. H. Waterman Trust . Trustees, for floor area intensity reduction on a property described as Lots 1,2,3,4,5, Block 1 Mandalay Subdivision, Key Largo and having the Parcel Identification Numbers of 00554120.000000, 00554130.000000, 00554140.000000, 00554150.000000, 00554160.000000.

ITEM BACKGROUND: On April 28, 2004, the Planning Commission conducted a public hearing to review, discuss, and make formal motions regarding amended Year 12 annual allocation and the Non-Residential Floor Area Ranking Report; and P25-04 approved a floor area allocation of 984 square feet for Permit 03301238 for J. H. Waterman Trust.

PREVIOUS RELEVANT BOARD ACTION: On July 18, 2001, the BOCC adopted Ordinance No. 032-2001, the NROGO Ordinance. The Board of County Commissioners approved floor area allocation for NROGO Year 12 at their meeting on November 19, 2003. On March 18, 2004, during a regular public meeting, the Board of County Commissioners, passed and adopted by Resolution an amendment to the Year 12 annual allocation that increased the available floor area to 16,000 square feet all of which is to be made available for applicants in a single allocation in January, 2004.

CONTRACT/AGREEMENT CHANGES: N/A.

STAFF RECOMMENDATION: Approval.

TOTAL COST: X

BUDGETED: Yes N/A No

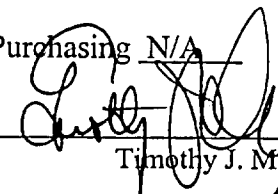
COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **Year**

APPROVED BY: County Atty X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP


DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM # I2

M E M O R A N D U M

TO: Danny Kolhage, Clerk of the Court
FROM: Timothy J. McGarry, Growth Management Director
DATE: August 26, 2004
RE: Clarification of Agenda Item



Restrictive Covenant

Permit Number	Name on Agenda Item	Name on Restrictive Covenant	Legal Description
0330-1238	J. H. Waterman Trust	James H. Waterman Trustee	Lots 1,2,3,4,5, Block 1 Mandalay Subdivision

This instrument prepared by:
Gay Marie Smith
PO Box 1638
Tavernier, FL 33070

**INTENSITY REDUCTION RESTRICTIVE COVENANT
NON-RESIDENTIAL**

1. **WHEREAS** James H. Waterman, Trustee (J H Waterman TR AG 3-19-97), the undersigned is the sole owner of the following described real property located in Monroe County, Florida, described as follows:

Lot(s): 1, 2, 3, 4 and 5 Block: 1

Subdivision: MANDALAY

Key: LARGO PB: 1, 194

Real Estates Number(s): 00554120.00000, 00554130.00000, 00554140.00000, 00554150.00000 AND 00554160.00000; and

2. **WHEREAS**, an application for building permit #03304223 for the construction of a commercial building on the above described parcel has been submitted to the Monroe County Building Department; and
3. **WHEREAS**, Suburban Commercial (SC) Land Use District allows the construction of office space/storage; and
4. **NOW, THEREFORE**, the undersigned agree as follows:
 - The above described non-residential structure is permitted as a commercial building, and upon completion of the structure and final approved inspections will receive a Certificate of Occupancy for a commercial office building; and
 - The floor area ratio of the property will be limited to a maximum of twenty-three percent (23%) for a period of ten (10) years; and

- That the proposed structure has a Floor Area Ratio of 16.0 percent. The proposed commercial structure is 2,500 Sq. Ft., the floor area ratio shall not exceed twenty three (23) percent which would be 3,593 Sq. Ft.
- The restrictions herein shall be binding upon the representatives, heirs, assigns and successors in title of the undersigned; it being the intention of the undersigned by execution and recording of this document that his restriction shall run with the land and shall be forever binding upon the successors in title; and
- This covenant is intended to benefit and run in favor of the County of Monroe; and

In the event of any breach or violation of the covenant contained herein, the said County may enforce the covenant by injunction or such other legal method, as the County deems appropriate.

EXECUTED ON THIS 10 day of August, 2004

WITNESSES

[Signature]
(Signature)

Gay Marie Smith
(Print Name)

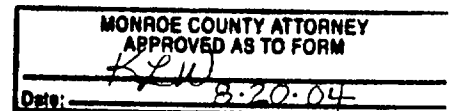
[Signature]
(Signature)

CINDY DUDLEY
(Print/Type Name)

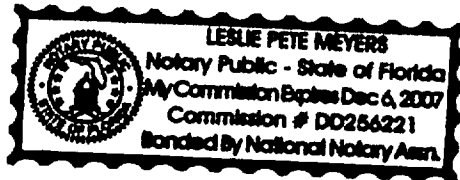
OWNER

James H. Waterman
(Signature)

JAMES H. WATERMAN
Print Name



Sworn before me this 10 day of August, 2004, A.D.



Leslie Pete Meyers
Notary Public (Print Name)

[Signature]
Notary Public (Signature)

My Commission Expires: 12/6/07